

REMARKS

In response to the Office Action dated August 21, 2006 (hereinafter, the "Action"), Applicant respectfully requests reconsideration based on the following remarks.

A review of the claims indicates that:

Claims 1-20 were previously pending.

Claims 1, 8, 10, 11, 15, 19, and 20 have been amended.

Claims 7, 9, 13, 17, and 18 have been canceled.

Claim 21 has been added.

Claims 1-6, 8, 10-12, 14-16, and 19-21 are currently pending, with claims 1, 11, and 20 being independent.

Applicant respectfully submits that the claims as presented are in condition for allowance.

Rejections under 35 U.S.C. §102(e)

The Office rejects claims 1-3, 5, 11, 12, 14-16, 19 and 20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,053,780 to Straub, et al (hereinafter, "Straub"). The Applicant respectfully traverses these rejections.

Claim 1

Turning to **independent Claim 1**, without conceding the propriety of the stated rejection, and without conceding that Straub provides the teaching for which it was cited in the Action, the Applicant has amended claim 1 as indicated above.

1 For convenience of discussion, the Applicant reproduces here portions of claim 1 as
2 it would stand after entry of the above revisions:

3
4 A telecommunications device, including:

5 ...

6 "a microcontroller of the processor for determining whether a
7 wireless telephone call is in progress, and providing a periodic reminder
8 of an emergency alert broadcast containing information regarding a
9 weather emergency to the user of the telecommunications device at a
predetermined time interval for a duration of time, wherein the periodic
reminder is continually provided until one of: an expiration date and time
of the weather emergency or a first indication by the user of the
telecommunications device to suspend a wireless telephone call in
progress;

10 a receiver unit located in the housing and having a second receiver
11 for receiving the emergency alert broadcast when the first indication to
12 suspend the wireless telephone call is received from the user, wherein the
receiver unit is in communication with the processor of the wireless
telephone; and

13 a microcontroller for resuming the suspended wireless telephone call
14 when a second indication from the user of the telecommunications device is
received."

15
16 The Applicant submits that the above revisions to claim 1 are **fully**
17 **supported under 35 U.S.C. § 112, 1st paragraph**, at least by paragraphs (0036),
18 (0037), (0039), (0040), (0042), and Figure 3 of the Applicant's Specification.

19
20 The Straub reference pertains generally to global positioning system (GPS)
21 based location specific alert methods, systems, and devices (Straub, Col. 1, lines
22 6-9). One or more weather signals containing location information, received on at
23 least a first channel of a GPS navigation device, can be compared to positions
24 gathered on the GPS navigation device (Straub, Abstract). From the comparison,
25 an alert can be generated (Straub, Abstract).

1 The Applicant submits that Straub does not show or disclose every element
2 of Applicant's claim 1. For example, Straub does not disclose "...a
3 microcontroller of the processor for determining whether a wireless telephone call
4 is in progress, and providing a periodic reminder of an emergency alert broadcast
5 containing information regarding a weather emergency to the user of the
6 telecommunications device at a predetermined time interval for a duration of time,
7 wherein the periodic reminder is continually provided until one of: an expiration
8 date and time of the weather emergency or a first indication by the user of the
9 telecommunications device to suspend a wireless telephone call in progress," as in
10 Applicant's claim 1.

11 Straub also does not disclose "...a receiver unit located in the housing and
12 having a second receiver for receiving the emergency alert broadcast when the
13 first indication to suspend the wireless telephone call is received from the user,
14 wherein the receiver unit is in communication with the processor of the wireless
15 telephone; and a microcontroller for resuming the suspended wireless telephone
16 call when a second indication from the user of the telecommunications device is
17 received," as in Applicant's claim 1.

18 Because the Straub patent does not show or disclose every element of
19 Applicant's claim 1, Applicant respectfully submits that Straub does not support a
20 §102 rejection of claim 1. The Applicant thus requests reconsideration and
21 withdrawal of the §102 rejection of claim 1.
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1 **Claims 2, 3, and 5**

2 Claims 2, 3, and 5 depend directly or indirectly from claim 1. For at least
3 the reasons set forth above with respect to claim 1, Applicant submits that
4 dependent claims 2, 3, and 5 are also allowable and are not anticipated by Straub.
5 Claims 2, 3, and 5 depend from claim 1, and therefore, the comments directed
6 above to claim 1 apply equally to these dependent claims, as well as for the
7 additional features they recite.

8
9 **Claim 11**

10 Turning next to **independent Claim 11**, without conceding the propriety of
11 the stated rejection, and without conceding that Straub provides the teaching for
12 which it was cited in the Action, the Applicant has amended claim 11 as indicated
13 above. For convenience of discussion, the Applicant reproduces here claim 11 as it
14 would stand after entry of the above revisions:

15 A method, including:

16 “receiving the emergency alert broadcast from an emergency alert
17 transmitter, wherein the emergency alert broadcast includes information
18 regarding a weather emergency;

19 extracting coded information contained in the emergency alert
20 broadcast;

21 determining whether a wireless telephone call is in progress;
22 providing a periodic reminder of the emergency alert broadcast to the
23 user of the telecommunications device at a predetermined time interval
24 for a duration of time based on the extracted code information, wherein
25 the periodic reminder is continually provided until one of: an expiration
 date and time of the weather emergency of the emergency alert broadcast
 or a first indication by the user of the telecommunications device to
 suspend a wireless telephone call in progress; and

 if a first indication to suspend the wireless telephone call is
 received, providing an emergency alert notification to the user of the
 telecommunications device based upon the extracted coded information
 and receiving a second indication from the user of the

1 telecommunications device to resume the suspended wireless telephone
2 call.”

3 The Applicant submits that the above revisions to claim 11 are **fully**
4 **supported under 35 U.S.C. § 112, 1st paragraph**, at least by paragraphs (0036),
5 (0037), (0039), (0040), (0042), and Figure 3 of the Applicant’s Specification.
6

7 Claim 11 is rejected for similar reasons as described in the rejection of
8 claim 1 (*Office Action* p. 3). As described above in the response to the rejection of
9 claim 1, Straub does not show or disclose every feature recited in claim 11.
10 Specifically, Straub does not disclose:

- 11
12 • determining whether a wireless telephone call is in progress [and]
13 providing a periodic reminder of the emergency alert broadcast to
14 the user of the telecommunications device at a predetermined time
15 interval for a duration of time based on the extracted code
16 information; or
- 17 • providing the periodic reminder...until one of: an expiration date
18 and time of the weather emergency of the emergency alert broadcast
19 or a first indication by the user of the telecommunications device to
20 suspend a wireless telephone call in progress; or
- 21 • providing an emergency alert notification to the user of the
22 telecommunications device based upon the extracted coded
23 information if an indication to suspend a wireless telephone call is
24 received; or
25

- receiving a second indication from the user of the telecommunications device to resume the suspended wireless telephone call.

Straub does not show or disclose at least these features recited in claim 11. Accordingly, claim 11 is allowable over Straub for at least these reasons, and the §102 rejection should be withdrawn.

Claims 12, 14-16, and 19

The Applicant submits that the above revisions to claim 15 are **fully supported under 35 U.S.C. § 112, 1st paragraph**, at least by paragraph (0040) and Figures 1-3 of the Applicant's Specification, and the above revisions to claim 19 are **fully supported under 35 U.S.C. § 112, 1st paragraph** at least by paragraph (0038) of the Applicant's Specification.

Claims 12, 14-16 and 19 depend directly or indirectly from claim 11. For at least the reasons set forth above with respect to claim 11, Applicant submits that dependent claims 12, 14-16 and 19 are also allowable and are not anticipated by Straub. Claims 12, 14-16 and 19 depend from claim 11, and therefore, the comments directed above to claim 11 apply equally to these dependent claims, as well as for the additional features they recite.

Claim 20

Turning next to **independent Claim 20**, without conceding the propriety of the stated rejection, and without conceding that Straub provides the teaching for which it was cited in the Action, the Applicant has amended claim 20 as indicated above. For convenience of discussion, the Applicant reproduces here claim 20 as it would stand after entry of the above revisions:

A telecommunications device, including:

“means for receiving the emergency alert broadcast from an emergency alert transmitter, wherein the emergency alert broadcast includes information regarding a weather emergency;

means for extracting coded information contained in the emergency alert broadcast;

means for determining whether a wireless telephone call is in progress;

means for providing a periodic reminder of the emergency alert broadcast to the user of the telecommunications device at a predetermined time interval for a duration of time based on the extracted code information, wherein the periodic reminder is continually provided until one of: an expiration date and time of the weather emergency or a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress;

means for providing an emergency alert notification to the user of the telecommunications device based upon the extracted coded information upon receipt of a first indication by the user to suspend the wireless telephone call; and

means for resuming the suspended wireless telephone call upon receiving a second indication from the user of the telecommunications device.”

The Applicant submits that the above revisions to claim 20 are **fully supported under 35 U.S.C. § 112, 1st paragraph**, at least by paragraphs (0036), (0037), (0039), (0040), (0042), and Figure 3 of the Applicant’s Specification.

1 Claim 20 is rejected for similar reasons as described in the rejection of
2 claim 1 (*Office Action* p. 3). As described above in the response to the rejection of
3 claim 1, Straub does not show or disclose every feature recited in claim 20.
4 Specifically, Straub does not disclose:

- 5
- 6 • a means for determining whether a wireless telephone call is in
- 7 progress; or
- 8 • a means for providing a periodic reminder of the emergency alert
- 9 broadcast to the user of the telecommunications device at a
- 10 predetermined time interval for a duration of time based on the
- 11 extracted code information, or providing the periodic
- 12 reminder...until one of: an expiration date and time of the weather
- 13 emergency of the emergency alert broadcast or a first indication by
- 14 the user of the telecommunications device to suspend a wireless
- 15 telephone call in progress; or
- 16 • a means for providing an emergency alert notification to the user of
- 17 the telecommunications device based upon the extracted coded
- 18 information upon receipt of an indication to suspend a wireless
- 19 telephone call; or
- 20 • a means for resuming the suspended wireless telephone call upon
- 21 receiving a second indication from the user of the
- 22 telecommunications device.
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1 Straub does not show or disclose at least these features recited in claim 20.
2 Accordingly, claim 20 is allowable over Straub for at least these reasons, and the
3 §102 rejection should be withdrawn.

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5 **Claim Rejections Under 35 USC §103(a)**

6 The Office rejects claim 4 under 35 U.S.C. §103(a) as being unpatentable
7 over Straub in view of U.S. Patent No. 6,728,522 to Marrah et al. (hereinafter
8 “Marrah”).

9 The Office rejects claims 6-10 under 35 U.S.C. §103(a) as being
10 unpatentable over Straub in view of U.S. Patent No. 66,710,715 to Deeds et al.
11 (hereinafter “Deeds”).

12 The Office rejects claims 13, 17, and 18 under 35 U.S.C. §103(a) as being
13 unpatentable over Straub in view of U.S. Patent No. 6,973,336 to Heie et al.
14 (hereinafter “Heie”).

15 The Applicant respectfully traverses these rejections.

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17 **Claim 4**

18 Claim 4 is allowable by virtue of its dependency upon independent claim 1
19 which is allowable over Straub for at least the reasons described above in response
20 to the §102 rejection of claim 1. Further, claim 4 is also allowable over Straub in
21 view of Marrah because Marrah does not address the deficiencies of Straub as
22 described above in the response to the rejection of claim 1. Accordingly, the §103
23 rejection of claim 4 should be withdrawn.

1 **Claims 6-10**

2 Claims 7 and 9 have been canceled without prejudice or disclaimer, and
3 therefore the rejection of these claims is now moot.

4 Claims 6, 8, and 10 are allowable by virtue of their dependency upon
5 independent claim 1 which is allowable over Straub for at least the reasons
6 described above in response to the §102 rejection of claim 1. Claims 6, 8, and 10
7 are also allowable over the Straub-Deeds combination because Deeds does not
8 address the deficiencies of Straub as described above in the response to the
9 rejection of claim 1. Accordingly, the §103 rejection of claims 6, 8, and 10 should
10 be withdrawn.

11
12 **Claims 13, 17, and 18**

13 The Office cites Col. 1, lines 57-67 and Col. 4, lines 59-63 of Heie in the
14 rejection of canceled claims 13, 17, and 18 (Action, pg. 8). The Heie reference
15 pertains in general to a method and apparatus for providing a notification of a
16 received message, where the apparatus continues to provide notifications if no
17 movement is detected in the apparatus (Heie, Summary). In the interest of
18 advancing prosecution, Applicant has amended claim 1 to incorporate the features
19 of claims 13, 17, and 18, and has canceled claims 13, 17, and 18 without prejudice
20 or disclaimer.

21 The Applicant submits that Heie does not teach the above recited features
22 of claims 13, 17, and 18, now incorporated into claim 1. For example, Heie does
23 not teach "...determining whether a wireless telephone call is in progress, and
24 providing a periodic reminder of an emergency alert broadcast containing
25 information regarding a weather emergency to the user of the telecommunications

1 device at a predetermined time interval for a duration of time, wherein the periodic
2 reminder is continually provided until one of: an expiration date and time of the
3 weather emergency or a first indication by the user of the telecommunications
4 device to suspend a wireless telephone call in progress,” as in Applicant’s claim 1.
5 Instead, Heie discloses various techniques for notifying a user of a received
6 message (Heie, Col. 1, lines 57-67), and the movement of the receiving apparatus
7 in acknowledgement that the message has been received (Heie, Col. 4, lines 59-
8 63). Heie does not teach “a microcontroller of the processor for determining
9 whether a wireless telephone call is in progress,” and if a call is in progress,
10 continuing to provide a reminder of a weather emergency alert until the weather
11 emergency has expired or the user indicates a desire to suspend the wireless
12 telephone call in progress and listen to the emergency alert. Additionally, Heie
13 does not teach “...resuming the suspended wireless telephone call when a second
14 indication from the user of the telecommunications device is received,” as in
15 Applicant’s claim 1. Heie simply discloses an apparatus and method for sending a
16 notification of a received message until movement of the apparatus is detected
17 (Heie, Summary).

18 Heie does not teach or suggest at least these features recited in claims 13,
19 17, and 18, now incorporated into claim 1.

20 21 **New Claim 21**

22 The Applicant submits that claim 21 is **fully supported under 35 U.S.C.**
23 **§112, 1st paragraph**, at least by paragraphs (0013) and (0041) of the Applicant’s
24 Specification.
25

1 Claim 21 depends indirectly from independent claim 11. For at least the
2 reasons set forth above with respect to claim 11, Applicant submits that dependent
3 claim 21 is also allowable and is not anticipated. Claim 21 depends from claim
4 11, and therefore, the comments directed above to claim 11 apply equally to this
5 dependent claim, as well as for the additional features it recites.

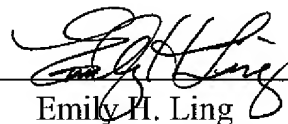
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7 **Conclusion**

8 The Applicant submits that the claims in this application are now in
9 condition for allowance. Applicant respectfully requests that an early Notice of
10 Allowability be issued. If there are any outstanding issues that would prevent
11 favorable action on this application, Applicant respectfully requests that the
12 undersigned attorney be contacted for the purpose of scheduling an interview.

13
14 Respectfully Submitted,

15
16 Dated: 1/16/07

By: _____



Emily H. Ling
Lee & Hayes, pllc
Reg. No. 58,619
(509) 324-9256 ext. 222